

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MYCHOICE, LLC §  
§  
v. § Case No. 2:23-CV-0507-JRG-RSP  
§  
TAIV, INC. §

**JOINT CLAIM CONSTRUCTION AND PREHEARING  
STATEMENT PURSUANT TO LOCAL P.R. 4-3**

Pursuant to Local Patent Rule 4-3 and the Court's Docket Control Orders, Plaintiff MyChoice, LLC ("MyChoice") and Defendant Taiv, Inc. ("Taiv") jointly submit this Joint Claim Construction and Prehearing Statement ("JCCS"). The claim terms proposed for construction below are found within U.S. Patent No. 10,708,658 (the "Asserted Patent"). Pursuant to P.R. 4-3, the parties provide the following:

**I. P.R. 4-3(A)(1) – AGREED CLAIM CONSTRUCTIONS**

The parties have not agreed to any proposed constructions for claim terms in the Asserted Patent:

**II. P.R. 4-3(A)(2) – DISPUTED CLAIM CONSTRUCTIONS**

The parties' proposed claim constructions for the disputed terms, as well as their intrinsic and extrinsic evidence, can be found in Exhibit A. The parties reserve the right to rely upon the evidence supplied by the opposing side. In addition, each party reserves the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by any other party, or for other good cause.

**III. P.R. 4-3(A)(3) – LENGTH OF CLAIM CONSTRUCTION HEARING**

The parties propose that the Court allow a total of one hour (30 minutes per side) for the hearing.

**IV. P.R. 4-3(A)(4) – LIVE WITNESS TESTIMONY AT CLAIM CONSTRUCTION HEARING**

Neither party intends to call any live witnesses at the claim construction hearing.

**V. P.R. 4-3(A)(5) – OTHER ISSUES**

At this time, the parties are unaware of any additional issues that might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing.

**VI. P.R. 4-3(B) – DISCLOSURE OF EXPERT TESTIMONY**

Neither party intends to rely on expert testimony in their briefing.

Dated: January 8, 2025

Respectfully submitted,

/s/ Michael C. Gilleran

Michael C. Gilleran  
(Mass. BBO No. 192210)  
Pro hac vice allowed  
[michael.gilleran@fisherbroyles.com](mailto:michael.gilleran@fisherbroyles.com)  
FISHERBROYLES, LLP  
75 State Street, Suite 100, PMB 4418  
Boston, Massachusetts 02109  
Direct: 781.489.5680  
Mobile: 339.237.1384  
LEAD ATTORNEY

Chris P. Perque  
Texas State Bar No. 24005828  
FisherBroyles, LLP  
2925 Richmond Ave., Suite 1200  
Houston, TX 77098  
Phone: 832.604.4417  
Facsimile: 832.377.5929  
Email: [chris.perque@fisherbroyles.com](mailto:chris.perque@fisherbroyles.com)

**ATTORNEYS FOR PLAINTIFF,  
MYCHOICE LLC**

/s/ Phillip Haack

Ryan Marton (CA 223979, admitted E.D. Tex.)  
Hector Ribera (CA 221511, admitted E.D. Tex.)  
Phillip Haack (CA 262060, admitted E.D. Tex.)  
MARTON RIBERA SCHUMANN & CHANG  
LLP  
548 Market Street, Suite 36117  
San Francisco, CA 94104  
Telephone: (415) 360-2515  
Email: ryan@martonribera.com  
hector@martonribera.com  
phaack@martonribera.com

**ATTORNEYS FOR DEFENDANT TAIV,  
INC.**

**CERTIFICATE OF CONFERENCE**

Counsel for the parties conferred via telephone and email regarding the above motion in accordance with Local Rule CV-7(i), and the motion is unopposed.

/s / Michael C. Gilleran  
Michael C. Gilleran